

REMARKS/ARGUMENTS

In response to the Office Action dated November 1, 2007, Applicants respectfully request reconsideration.

Claim Rejections Under 35 U.S.C. §112

Claims 10-12 and 27 stand rejected under 35 U.S.C. §112, ¶2 as being indefinite for failing to particularly point out and distinctly claim the subject matter. The Examiner noted that claims 10-12 refer to a limitation cancelled from claim 9 previously. The dependency of claim 10 has been amended such that claim 10 depends from claim 27, with claims 11 and 12 depending from claim 10 and 11, respectively. Claims 10-12 refer to a feature recited in claim 27. Applicants respectfully assert that claims 10-12 and 27 satisfy the requirements of 35 U.S.C. §112, ¶2.

Claim Rejections Under 35 U.S.C. §103

Claims 1-2, 7 and 26

Claims 1-2, 7, and 26 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 6,700,351 (Blair) in view of U.S. Pat. No. 6,462,961 (Johnson) in further view of U.S. Pat. No. 6,266,250 (Foye).

Applicants respectfully assert that independent claim 1 and dependent claims 2, 7, and 26 are patentable over Blair in view of Johnson in further view of Foye. The Examiner on p. 5 of the Office Action noted that Blair and Johnson fail to disclose an "aperture on the back wall of the chassis configured to receive a single fastener to mount the UPS to a vertical wall." The Examiner asserted that Foye teaches a mounting system and bracket where electronic components can be attached to a module for attachment to a vertical wall. Foye discusses that electronic components 13 can be attached to a module 16 that can be connected to a support panel 14 or a rear plate 38. The support panel 14 or the rear plate 38 can be mounted to a wall using multiple fasteners. Thus, Foye discusses mounting electronic components to a module, connecting the module to a support panel or rear plate, and mounting the support panel or rear

plate to a wall using multiple fasteners. Foye does not teach, disclose, or suggest the housing including a chassis that includes a back wall providing an aperture configured to receive a single fastener to mount a UPS to a vertical wall and to support the UPS when mounted to the vertical wall as recited in claim 1. Thus, Blair in view of Johnson in view of Foye lacks at least this recited feature of claim 1. For at least these reasons, independent claim 1 is, and claims 2, 7, and 26 that depend from claim 1 are, patentable over Blair in view of Johnson in view of Foye.

Claims 5-6

Claims 5-6 are rejected under 35 U.S.C. §103(a) as being unpatentable over Blair in view of Johnson in view of Foye in view of U.S. Pat. No. 7,181,630 (Kadoi) in view of U.S. Pat. No. 5,534,734 (Pugh). Neither Kadoi nor Pugh, alone or in combination, make up for the deficiencies noted above in Blair, Johnson, and Foye. Thus, for at least the reasons discussed above with respect to claim 1, claims 5-6 are patentable over Blair in view of Johnson in view of Foye in view of Kadoi in view of Pugh.

Claim 8

Claim 8 is rejected under 35 U.S.C. §103(a) as being unpatentable over Blair in view of Johnson as applied to claim 1 further in view of Pugh. As claim 8 depends from claim 1, Applicants assume the rejection is over Blair in view of Johnson in view of Foye in view of Pugh. Pugh does not make up for the deficiencies of Blair, Johnson, and Foye noted above with respect to independent claim 1, and thus claim 8 is patentable over Blair in view of Johnson in view of Foye in view of Pugh for at least the reasons discussed above.

Claims 9 and 13

Claims 9 and 13 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Blair in view of U.S. Pat. No. 5,949,974 (Ewing).

Applicants respectfully assert that claim 9 and 13 are patentable over Blair in view of Ewing. The Examiner noted on p. 9 of the Office Action that Blair does not teach that a

switched power outlet is controlled to cycle power, but asserted that Ewing teaches cycling of power at outlets where network devices are connected, and that it would have been obvious to combine this aspect of Ewing with Blair to achieve the UPS recited in claim 9. Ewing discusses that an SNMP manager 20 (FIG. 1) can send a Telnet script to a power manager 28 to cycle a power cycle by opening a normally-closed relay of an intelligent power module (IPM) 30, 32, 34, 36. The IPMs are connected to a UPS 26 that supplies power to the power manager 28 and the IPMs 30, 32, 34, 36 (col. 5., ll. 38-41). The Telnet script is not sent to the UPS nor is the UPS configured to cycle power. Indeed, this is the opposite of what a UPS is normally thought to do, i.e., provide uninterruptible power. Therefore, not only does Ewing not teach or disclose a UPS with a controller configured to perform firmware instructions to control a switched power outlet to cycle power at the switched power outlet, it would not be obvious to do so in view of Ewing as this is counterintuitive to typical operation of a UPS. For at least these reasons, claims 9 and 13, with 13 depending from claim 9, are patentable over Blair in view of Ewing.

Claims 10-12

Claims 10-12 are rejected under 35 U.S.C. §103(a) as being unpatentable over Blair in view of Ewing in view of Johnson. Johnson does not make up for the deficiencies noted above in Blair and Ewing. Thus, for at least the reasons discussed above with respect to claim 9, claims 10-12, that depend from claim 9, are patentable over Blair in view of Ewing in view of Johnson.

Claim 14

Claim 14 is rejected under 35 U.S.C. §103(a) as being unpatentable over Blair in view of Ewing as applied to claim 9 above, and further in view of Pugh. Pugh does not make up for the deficiencies noted above in Blair and Ewing. Thus, for at least the reasons discussed above with respect to claim 14, that depends from claim 9, is patentable over Blair in view of Ewing in view of Pugh.

Claim 15

Claim 15 is rejected under 35 U.S.C. §103(a) as being unpatentable over Blair in view of Ewing as applied to claim 9 above, and further in view of U.S. Pat. App. Pub. No. 2003/0197723 (Young). Young does not make up for the deficiencies noted above with respect to claim 9 and thus claim 15, that depends from claim 9, is patentable over Blair in view of Johnson in view of Young for at least the reasons discussed above with respect to claim 9.

Claims 16-17

Claims 16-17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Blair in view of Ewing as applied to claim 9 above, and further in view of Kadoi in view of Pugh. Neither Kadoi nor Pugh, alone or in combination, make up for the deficiencies noted above with respect to claim 9, upon which claims 16-17 depend. Thus, for at least the reasons discussed above with respect to claim 9, claims 16-17 are patentable over Blair in view of Ewing in view of Kadoi in view of Pugh.

Claim 25

Claim 25 is rejected under 35 U.S.C. §103(a) as being unpatentable over Blair in view of Johnson in view of Foye in view of Ewing. Ewing does not make up for the deficiencies noted above with respect to claim 1 and thus claim 25, that depends from claim 1, is patentable over Blair in view of Johnson in view of Foye in view of Ewing for at least the reasons discussed above with respect to claim 1. Further, claim 25 recites that a controller is configured to perform firmware instructions to cycle power of a switched power outlet of a UPS. Ewing discusses cycling power using devices outside of a UPS, and does not teach, disclose, or suggest the recited controller configured to cycle power of a switched power outlet of a UPS. Claim 25 is further patentable over Blair in view of Johnson in view of Foye in view of Ewing for at least these further reasons.

Claim 27

Claim 27 is rejected under 35 U.S.C. §103(a) as being unpatentable over Blair in view of Ewing in view of Johnson in view of Foye. Johnson and Foye do not make up for the deficiencies noted above with respect to claim 9 and thus claim 27, that depends from claim 9, is patentable over Blair in view of Ewing in view of Johnson in view of Foye for at least the reasons discussed above with respect to claim 9.

New Claims

Claims 28-30 have been added. These claims do not add new matter and are respectfully asserted to be patentable in view of the cited references.

Canceled Claims

Claims 18-24 have been canceled without prejudice. These claims were previously withdrawn in accordance with Applicants election of Group I in response to the Restriction Requirement dated November 8, 2006.

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Appl. No. 10/802,190
Amdt. dated February 26, 2008
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group 3429


PATENT

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 858-350-6100.

Respectfully submitted,


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